



SL 2014-120 Section 29 (b) Report Orange County Environmental Health

This report is in reference to Session Law 2014-120 Section 29 (b) requirements

Part 1A: On-site Water Protection: Standardize Certain Regulatory Review Procedures

- I. Systems with design daily flows $\geq 3,000$ total gallons per day [15A NCAC 18A .1938(e)] or for treatment of industrial process wastewater (IPWW) [15A NCAC 18A .1938(f)].
 - A. Receive application. Applications processed based on Orange County Policy and Procedure EH 1B Application and Fee Guidelines for On-Site Wastewater and Groundwater Programs. NC DHHS Large System Protocol is used based on design daily flow.
 - B. Assign to EH Soil Scientist and EH Program specialist staff
 - C. Notify state regarding need for review and convey materials to the State
 - D. Assist the State with processes outlined in Part 1A, Section I of the State report
- II. Design plans and specifications pursuant to Rule .1938(f)
 - A. Receive application. Applications processed based on Orange County Policy and Procedure EH 1B Application and Fee Guidelines for On-Site Wastewater and Groundwater Programs.
 - A. File a Request for Review describing which elements of the Submittal the OSWP should review.
 - B. Convey the Regulatory Submittal and Request to Review to the OSWP.
 - C. Assist the State with processes outlined in Part 1A, Section II.B of the State report
- III. Design daily flow review pursuant to Rule .1949
 - A. Receive application. Applications processed based on Orange County Policy and Procedure EH 1B Application and Fee Guidelines for On-Site Wastewater and Groundwater Programs.
 - B. File Request for Review for a proposal submitted based on Rule .1949 and convey it to the OSWP with the Regulatory Submittal.
 - C. Assist the State with processes outlined in Part 1A, Section II.A of the State report
- IV. Design plans and specifications pursuant to Rule .1948(d)

- A. Receive application. Applications processed based on Orange County Policy and Procedure EH 1B Application and Fee Guidelines for On-Site Wastewater and Groundwater Programs.
 - B. File Request for Review for a proposal submitted based on Rule .1948(d) and convey it to the OSWP with the Regulatory Submittal.
 - C. Assist the State with processes outlined in Part 1A, Section II.C of the State report
- V. Design plans and specifications for flow reduction utilizing low-flow fixtures or low-flow technologies pursuant to Session Law 2013-413 or 2014-120. The procedure below is for reviews conducted on the local level only.
- A. Receive application. Applications processed based on Orange County Policy and Procedure EH 1B Application and Fee Guidelines for On-Site Wastewater and Groundwater Programs.
 - B. Conduct Review.
 - C. Provide a response to the Submitting Party that includes:
 - a. *An approval of the system* engineering plans and specifications, or
 - b. *A request for revisions* that include:
 - (a) A section detailing any required revisions with citation of applicable statute or rule(s);
 - (b) A section detailing any suggested or recommended revisions based upon current knowledge base (guidance, manuals or standards of practice).
 - c. *A request for additional information* that includes:
 - (a) A section detailing any required additional information with citations of applicable statute or rule(s) and;
 - (b) A section detailing any suggested additional information based upon current knowledge base (guidance, manuals, or standards of practice).
 - (c) Detailed listing of fixtures and practices that will be used in the facility to achieve flow reduction.

Part 1B: Food Protection and Facilities: Standardize Certain Regulatory Review Procedures

- I. Design plans and specifications for Food Protection Facilities and Public Swimming Pools are reviewed in accordance with Orange County Policy and Procedures: EH 21 Food Service Plan Review and Permitting Procedures for Food Service Plans and EH 24 Pool Program Policy. The procedure below is for reviews conducted on the local level only.
 - A. Receive application. Applications processed based on Orange County Policy and Procedure EH 1A Application and Fee Guidelines for Food and Lodging Programs. Food Service Plan Review Application and/or Food Establishment Permit Application are submitted for Food Protection reviews. Public Swimming Pool Plan Review Application is submitted for pool plan reviews.
 - B. Conduct Review based on Orange County Policy and Procedures: EH 21 Food Service Plan Review and Permitting Procedures or EH 24 Pool Program Policy.
 - C. Provide a response to the Submitting Party that includes:
 - a. *An approval of the system* engineering plans and specifications, or
 - b. *A request for revisions* that include:
 - (a) A section detailing any required revisions with citation of applicable statute or rule(s);
 - (b) A section detailing any suggested or recommended revisions based upon current knowledge base (guidance, manuals or standards of practice).
 - c. *A request for additional information* that includes:
 - (a) A section detailing any required additional information with citations of applicable statute or rule(s) and;
 - (b) A section detailing any suggested additional information based upon current knowledge base (guidance, manuals, or standards of practice).

**Part 2A: On-site Water Protection Informal Internal Review Processes
and
Procedures to Develop and Maintain a List of Review Engineers**

- I. Informal Internal Review Process: North Carolina Session Law 2014-120, Section 29(c) identifies two circumstances (IA and IB) that allow a Submitting Party to request an Informal Internal Review of the Orange County Environmental Health or OSWP review:
 - A. The Regulatory Submittal includes a design or practice sealed by a PE that is not included in the Regulatory Authority's existing guidance, manuals or standard operating procedures.
 - a. Orange County Staff review the Regulatory Submittal.
 - 1. If requested by the Submitting Party, informal review will be conducted by
 - a. Reviewer's supervisor or,
 - b. A staff engineer (NC licensed PE) or,
 - c. OSWP Branch
 - 2. If neither Orange County Environmental Health nor OSWP Branch employs a NC licensed PE that is qualified and competent to perform the review, then:
 - 3. Review may be provided by a consulting NC licensed PE selected from a list developed and maintained by the Regulatory Authority in accordance with Article 3D of Chapter 143 of the North Carolina General Statutes.
 - 4. The Regulatory Authority may charge the Submitting Party for costs of the review by the consulting NC licensed PE.
 - 5. The OSWP Branch will notify Orange County Environmental Health, the Submitting Party and other applicable parties of the decision reached during the Informal Internal Review process.
 - 6. Orange County Environmental Health will notify the Submitting Party and other applicable parties of the decision reached during the Informal Internal Review process.
 - 7. Orange County Environmental Health has the authority to make the final decision, even if review of the Regulatory Submittal is conducted by a consulting NC licensed PE.

- B. There is a disagreement between the reviewer of the Regulatory Submittal and the Submitting Party regarding whether statute or other regulatory authority mandates the revisions or requests for additional information made by the Regulatory Authority.
 - a. In these cases, the Regulatory Authority will conduct an informal hearing with one of the following groups, as appropriate:
 - 1. A review panel including the Environmental Health Director or their designee, Orange County Environmental Health personnel, Orange County Legal Department Representatives, Stakeholders representative(s) chosen by the Submitting Party and others as appropriate.

II. Procedure For Developing and Maintaining a List of PEs for Informal Internal Reviews

- A. Orange County Environmental Health will utilize the OSWP Branch list of PE's for informal reviews in accordance with SL 2014-120 Report DHHS DPH EHS Part 2A, IV. Procedure for Developing and Maintaining a List of PE's for Informal Internal Reviews.
- B. Orange County Environmental Health will use OSWP Branch website for this list in accordance with SL 2014-120 Report DHHS DPH EHS Part 2A, Section IV.

**Part 2B: Food Protection and Facilities Informal Internal Review Processes
and
Procedures to Develop and Maintain a List of Review Engineers**

- I. If a Submitting Party requests an Informal Internal Review of an engineered design, the request will be forwarded to the State in accordance with Part 2B Section II of the State report.
- II. Procedure For Developing and Maintaining a List of PEs for Informal Internal Reviews
 - A. Orange County Environmental Health will utilize the Food Protection and Facilities Branch list of PE's for informal reviews in accordance with SL 2014-120 Report DHHS DPH EHS Part 2B, Section III Procedure for Developing and Maintaining a List of PE's for Informal Internal Reviews.
 - B. Orange County Environmental Health will use Food Protection and Facilities Branch website for this list in accordance with SL 2014-120 Report DHHS DPH EHS Part 2B, Section III.

2015 Informal Reviews

2 Swimming Pool Plans were denied this calendar year. The engineers were issued denial by letter stating the reason for denial and quoted the rule reference in the denial letter.

No informal reviews or denials were issued for On-site wastewater systems or Food Service Plan reviews.

Part 3A: Onsite Water Protection Review of Working Job Titles

- I. The working titles and position descriptions of all Orange County staff who review Regulatory Submittals for Onsite Water Protection were reviewed with Orange County Human Resources. No Environmental Health positions have engineer in the title. All positions and titles subject to review Regulatory Submittals are listed below:
 - A. Environmental Health Director
 - B. Environmental Health Supervisor
 - C. Environmental Health Soil Scientist
 - D. Environmental Health Program Specialist
 - E. Environmental Health Specialist

Part 3B: Food Protection and Facilities Review of Working Job Titles

- I. The working titles and position descriptions of all Orange County staff who review Regulatory Submittals for Food Protection and Facilities were reviewed with Orange County Human Resources. No Environmental Health positions have engineer in the title. All positions and titles subject to review Regulatory Submittals are listed below:
 - A. Environmental Health Director
 - B. Environmental Health Supervisor
 - C. Environmental Health Program Specialist
 - D. Environmental Health Specialist

Orange County Reference documents available upon request:

- A. Orange County Policy and Procedure EH 1B Application and Fee Guidelines for On-Site Wastewater and Groundwater Programs.
- B. Orange County Policy and Procedure EH 1A Application and Fee Guidelines for Food and Lodging Programs.
- C. EH 21 Food Service Plan Review and Permitting Procedures
- D. EH 24 Pool Program Policy
- E. Food Service Plan Review Application
- F. Food Establishment Permit Application
- G. Public Swimming Pool Plan Review Application
- H. Orange County Position Descriptions